

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	CIVIL ACTION
EUCLIDES SOTO, LOUIS A. MARTINEZ,)	NO.: 04-10892-JLT
JOSE RAMIREZ, CLEMENTE HERNANDEZ,)	
CESAR PIZARO, ELISON PENA,)	
JUAN COLON, JOSE ORTIZ,)	
RAFAEL TORRES, ANGEL BAEZ,)	
ANTONIO MARTINEZ, WILFREDO ORTIZ,)	
EULOGIO ORTIZ, MIRRAIN MIRANDA,)	
RAFAEL MORENO, NELSON ACEVEDO,)	
And RAMON RODRIGUEZ,)	
Plaintiffs,)	
)	
V.)	
)	
SHERMAN-FEINBERG CORPORATION,)	
FARNSWORTH FIBRE CORPORATION,)	
UNITED STEELWORKERS OF AMERICA,)	
LOCAL 421-U AND UNITED STEELWORKERS)	
OF AMERICA,)	
Defendants.)	
_____)	

**OPPOSITION TO MOTION IN LIMINE OF THE DEFENDANTS UNITED
STEELWORKERS LOCAL 421-U AND UNITED STEELWORKERS TO
PRECLUDE UNSPECIFIC TESTIMONY RELATING TO INCIDENTS IN THE
FARNSWORTH FIBRE PLANT**

The plaintiffs will testify at trial to the best of their ability about the plant as specifically as possible. The defendant union can object at that time to the testimony. This is a trial matter for direct and cross-examination and not for a ruling prior to trial.

The district court will find that the evidence about the plant safety, where fingers were chopped off, and faces burned and fires raged in the plant, has deep and telling probative value (and, therefore, is relevant, *see* Fed. R. Evid. 401) in a number of

respects: (i) establishing the defendant's consciousness of safety issues; (ii) rebutting any suggestion that the plaintiffs fabricated the claims; and (iii) impeaching witnesses indicating that there was no circumstantial evidence of discrimination. The plant evidence has enough probative worth for evaluating the credibility of the defense witnesses to be admitted.

The district court can consider the evidence as it is admitted; there is no need for a motion in limine at this time.

Respectfully submitted,

Dated: February 24, 2006

/s/ Robert O. Berger
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served by electronic transfer on the attorney of record for each party on February 24, 2006.

Dated: February 24, 2006

/s/ Robert O. Berger
Robert O. Berger (BBO#: 038900)